

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

Yasmin Mack	:	
	:	
v.	:	
	:	
Bear Stearns Residential Mortgage	:	CIVIL ACTION NO.: 09-cv-05370

**PLAINTIFF’S MOTION TO STRIKE
DEFENDANT SAMUEL A. PRICE’S MOTION TO DISMISS**

1. On September 13, 2010, defendant Samuel Price filed, with exhibits, a motion to dismiss Plaintiff’s First Amended Complaint (docket, Document no. 43).
2. The aforesaid motion lacks a proposed form of order as required by Federal Local Rule of Civil Procedure 7.1(a).

WHEREFORE, Plaintiff requests this Honorable Court strike Defendant Price’s Motion to Dismiss Plaintiff’s First Amended Complaint. To the extent this Honorable Court entertains granting in any part Defendant’s Motion, Plaintiff requests oral argument.

Dated: Sept. 13, 2010

/s/ RC935
ROBERT P. COCCO, P.C.
By: Robert P. Cocco, Esquire
Pa. Id. No. 61907
1500 Walnut Street, Suite 900
Philadelphia, PA 19102
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/s/ Matthew Weisberg, Esquire
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Attorneys for Plaintiff

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**PLAINTIFF’S MEMORANDU OF LAW IN SUPPORT OF
MOTION TO STRIKE**

Local Rule 7.1 “Motion Practice” states:

“(a) Every motion shall be accompanied by a form of order which, if approved by the court, would grant the relief sought by the motion.”

WHEREFORE, Plaintiff requests this Honorable Court strike Defendant Price’s Motion to Dismiss Plaintiff’s First Amended Complaint.

Dated: Sept. 13, 2010

/s/ RC935
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Attorneys for Plaintiff

Certificate of Service

I, Robert P. Cocco, counsel for Plaintiff, hereby certify that I filed the foregoing Motion to Strike defendant Samuel Price's Motion to Dismiss electronically and that all parties of record have been served via ECF email with the exception of defendant Samuel Price served at:

PO Box 5953
Ft. Lauderdale, FL 33310
priceftld@aol.com

Dated: Sept. 13, 2010

/s/ Robert P. Cocco